IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9093 OF 2004

Parshwanath Co-operative Bank Ltd. ...Petitioner

Versus

Sanjay Shashikant Patki & Ors. ...Respondents

.....

Mr. S.S. Patwardhan, counsel for Petitioner

Ms. P.V. Badadare with Mr. R.D. Badadare, counsel for Respondents.

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CORAM: B. H. MARLAPALLE, J.

DATED: 18TH JANUARY, 2005

P.C.:-

1. Heard.

2. The respondent employee had approached the Labour Court at Sangli in application No. 2 of 2002 against his termination from service, subsequent to the approach notice dated 2.6.2000. The Labour Court vide its judgment dated 30.6.2003 held that the termination order was illegal and therefore, the applicant was entitled for reinstatement in service. The termination order brought into force w.e.f. 2.3.2000 was challenged and the respondent employee was directed to be reinstated in employment with continuity of service.

3. This order of the Labour Court was challenged before the Industrial Court in Appeal (IC) No. 3 of 2003 and by its judgment and order dated 19.8.2004, the Industrial Court was pleased to dismiss the said appeal, hence, this petition.

4. Both the courts below have recorded concurrent findings that the respondent came to be appointed as a trainee clerk on 27.11.1998 for a period of six months and thereafter, he was appointed on probation from 31.5.1999. He continued in the said post till 2.3.2000. The action of termination was not preceded by any disciplinary enquiry and the respondent was in continuous service in regular employment from 31.5.99 onwards, even if the period of training is excluded and the oral termination order was unsustainable on any count. These concurrent findings recorded by both the courts below do not suffer from any error apparent on the face of the record and, therefore, no interference is called for.

5. Petition is rejected summarily.